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10/613,868	07/05/2003	Alexander Medvinsky	D03042	6264

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EXAMINER
INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
4178	

NOTIFICATION DATE	DELIVERY MODE
01/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-32* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-32* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *05 July 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some *   c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 19 is objected to because of the following informalities:

Claim 19: "the actual playback time" lacks antecedent basis. Examiner suggests

changing "measuring actual time" to --measuring an actual playback time--.

 Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 1-4, 9-11, 14, 19-26, 29, 31-32 are rejected under 35 U.S.C. 102(e) as

being anticipated by Harada (US 2007/0198859).

Regarding claim 1, Harada discloses a method of limiting playback of an

electronic presentation, wherein a playback device is used to play back the

electronic presentation [Abstract], the method comprising:

- obtaining a playback time limit for the playback device (usage condition

  data is transmitted S211 to playback device/headphone stereo [Fig 11]),

  wherein the playback time limit is used to restrict playback of the

  electronic presentation according to a measure of actual cumulative time

  of the electronic presentation by the playback device (usage condition

  information may limit accumulated playback time [0075])

Regarding claim 19, Harada discloses a method for limiting playback of an

electronic presentation on a playback device, the method comprising:

- receiving a playback time limit (usage condition data is transmitted S211

  to playback device/headphone stereo [Fig 11]);

- measuring actual time of the electronic presentation at the playback

  device (measuring accumulated playback time [0119]); and

- comparing the actual playback time with the playback time limit to

  determine whether to permit additional playback of the electronic

  presentation (playback time is compared with usage condition information

  in order to permit viewing [0119]).

Regarding claim 31, Harada discloses an apparatus for limiting playback of an

electronic presentation on a playback device, the apparatus comprising:

- a receiver for receiving a playback time limit (usage condition data is

  transferred S211 to playback device/headphone stereo [Fig 11]);

- a detector for measuring actual time of the electronic presentation at the playback device (usage condition judgement unit 540 [Fig 5] measures accumulated playback time [0119]); and

- a comparator for comparing the actual playback time with the playback time limit to determine whether to permit additional playback of the electronic presentation (usage condition judgement unit 540 [Fig 5] compares actual play time with limit to determine whether to allow playback [0119])

Regarding claim 32, Harada discloses a computer-readable medium including instructions executable by a processor (playback unit 500 [Fig 5] is a computer containing processors e.g. usage condition judgement unit 540) for limiting playback of an electronic presentation in a digital rights management system (usage condition information [0031] limits playback rights), wherein a playback device is used to play back the electronic presentation (playback device e.g. headphone stereo 500 [Fig 1]), the computer-readable medium comprising:

- one or more instructions for transferring a playback time limit to the playback device (usage condition data transferred S211 to playback device [Fig 11]), wherein the playback time limit is used to restrict playback of the electronic presentation according to a measure of actual cumulative time of the electronic presentation by the playback device (accumulated time information [0119])

Regarding claims 2 and 22, depending on claims 1 and 19 respectively, Harada

further discloses:

- wherein the playback time limit is provided in a content license transferred

  via a network to the playback device (usage condition information is

  transferred via a network to storage unit [0031], which connects to

  playback apparatus [0061])

Regarding claims 3 and 23, depending on claims 1 and 19 respectively, Harada

further discloses:

- wherein the playback time limit is derived from a running time of the

  electronic presentation (in addition to an accumulated playback time, the

  playback time limit may also comprise a limited number of playbacks

  [0075], wherein the length of a playback is derived from a running time

  [0116])

Regarding claims 4 and 24, depending on claims 3 and 23 respectively, Harada

further discloses:

- wherein the playback time limit is longer than the running time of the

  electronic presentation (user may be allowed multiple playbacks [0116])

Regarding claims 9 and 26, depending on claims 1 and 19 respectively, Harada

further discloses:

- wherein the playback device includes a server that provides streamed

  content (storage unit 400 connects to playback device 500 [Fig 1] and

  serves streamed content to e.g. headphones [0200])

Regarding claim 10, depending on claim 1, Harada further discloses:

- wherein the actual cumulative time does not include intervals where

  playback is stopped (time is accumulated during playback only [0119]).

Regarding claims 11 and 25, depending on claims 1 and 19 respectively, Harada

further discloses:

- obtaining a "number of plays" limit at the playback device, wherein the

  number of plays limit is used with the playback time limit to restrict

  playback of the electronic presentation by the playback device (usage

  condition information may include number of times content is played back

  [0075])

Regarding claims 14 and 29, depending on claims 1 and 19 respectively, Harada

further discloses:

- wherein the actual cumulative time does not include time during which the

  electronic presentation is not being played back (the accumulated time

information limits "the length of time that the user is able to play back the content" [0119], therefore only the mode of playback increases the cumulative time).

Regarding claim 20, depending on claim 19, Harada further discloses:

- wherein the step of comparing is performed in response to a request to decrypt a portion of the electronic presentation (playback apparatus decrypts information before playing [0069] and playing comprises comparing accumulated playback time with time limits [0119])

Regarding claim 21, depending on claim 20, Harada further discloses:

- wherein the request to decrypt a portion of the electronic presentation is made to a secure processor (playback apparatus and recording apparatus perform secure device authentication [0060])

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 5-8, 15-16, 18, 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Harada (US 2007/0198859) in view of Swix (US 6609253)

Regarding claim 5, depending on claim 1, Harada does not further specifically

disclose:

- wherein a default playback time limit is derived

Swix discloses in an analogous art a method of limiting playback of an

electronic presentation wherein a default playback time limit is derived (programs

of different length have different default multipliers that define a playback time

limit [col. 4, l. 29-45])

It would have been obvious to one of ordinary skill in the art to modify

Harada's playback time limit with the teaching of Swix's playback time limit in

order to provide a default playback time limit for a particular program, thus

providing fair and equal playback rights to all viewers of a program.

Regarding claim 6, depending on claim 5, Harada in view of Swix further

discloses:

- wherein the default playback time limit is derived from a computation (a

   multiplier is multiplied with a program length to create a playback time limit

   [col. 4, l. 29-45])

Regarding claim 7, depending on claim 6, Harada in view of Swix does not further specifically disclose:

- wherein the default playback time limit is derived by multiplying a running time of the electronic presentation by 1.75

However, Swix discloses that a playback time limit is derived by multiplying a running time by a multiplier in the range of 1.5 – 2.0 ([col. 4, l. 29-45]).

Because the claimed number 1.75 is an arbitrary number in the range disclosed by Swix, one of ordinary skill would have been able to choose the number 1.75 as a multiplier for the purpose of deriving a playback time limit. Therefore the invention as a whole would have been obvious to one of ordinary skill in the art due to the well known nature of choosing a multiplier in order to derive a playback time limit as disclosed by Swix.

Regarding claim 8, depending on claim 5, Harada in view of Swix further discloses:

- wherein the default playback time limit is derived from a stored value (a multiplier is stored in a computer in order to multiply it by a running length to derive a default playback time limit [col. 4, l. 29-45])

Regarding claim 15, depending on claim 14, Harada further discloses:

- wherein the playback device includes secure processing and non-secure processing (playback device 500 [Fig 5] includes secure decryption units

519 and 550 and secure usage condition judgement unit 540 as well as

non-secure output from playback unit 541 to e.g. headphones 700 [Fig 1]),

the method further comprising:

- using the secure processing to update the actual cumulative time in

  response to one or more of the modes determined by the non-secure

  processing (secure usage condition judgement unit 540 judges whether

  actual cumulative time exceeds limits [0193], which implies that it handles

  updating the actual cumulative time)

Harada does not further disclose using the non-secure processing to

determine when one of the following modes of playback have been selected by a

user: pause, fast forward, rewind, stop, variable speed playback, variable speed

rewind.

Swix discloses in an analogous art a playback unit that determines when

modes such as fast forward, rewind, and pause are selected by a user (in order

to determine whether to update the remaining play time [col. 3, l. 62- col. 4, l. 14])

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the non-secure playback unit processor disclosed

by Harada (el 541 [Fig 5], outputs a non-secure analog signal [0200]) with the

teaching of Swix's playback unit for the purpose of omitting update of the

accumulated time when the user has paused the program ([Swix col. 5, l. 6-8]).

Regarding claim 16, depending on claim 15, Harada in view of Swix further

discloses:

- omitting update of the actual cumulative time for the modes of pause (the

  end time is updated in order to keep the cumulative time the same [col. 5,

  l. 6-8]), […], and stop ([col. 5, l. 45-46]).

Harada in view of Swix does not further disclose omitting update of the actual

cumulative time for the mode of rewind.

One of ordinary skill in the art would have been able to apply Swix's teaching

regarding the modes of stop and pause to the mode of rewind for the purpose of

letting the user activate VCR-like functions without subtracting from the viewer's

allotted playback time. Therefore the invention as a whole would have been

obvious due to the well known nature of omitting update of the actual cumulative

time for trick play modes as disclosed by Swix.

Regarding claim 18, depending on claim 15, Harada in view of Swix does not

further disclose:

- omitting update of the actual cumulative time for the mode of fast forward

  One of ordinary skill in the art would have been able to apply Swix's teaching

regarding the modes of stop and pause (see claim 16 rejection) to the mode of

fast forward for the purpose of letting the user activate VCR-like functions without

subtracting from the viewer's allotted playback time. Therefore the invention as a

whole would have been obvious due to the well known nature of omitting update of the actual cumulative time for trick play modes as disclosed by Swix.

Regarding claim 30, Harada does not further disclose:

- wherein the actual cumulative time does not include time during which the electronic presentation is in one or more of the following modes: pause, rewind, or stop

Swix discloses in an analogous art a method of limiting playback of an electronic presentation:

- wherein the actual cumulative time does not include time during which the electronic presentation is in one or more of the following modes: pause (the end time is updated in order to keep the cumulative time the same [col. 5, l. 6-8]), rewind, or stop ([col. 5, l. 45-46]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Harada with Swix's teaching for the purpose of letting the user activate VCR-like functions without subtracting from the viewer's allotted playback time.

5.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada (US 2007/0198859) in view of Peinado (US 2007/0226492).

Regarding claims 12 and 27, depending on claims 1 and 19 respectively, Harada

further discloses:

- wherein the playback device includes both secure and non-secure

  processing (playback device 500 [Fig 5] includes secure decryption unit

  519 and non-secure output from playback unit 541 to e.g. headphones

  700 [Fig 1]) , [...], the method further comprising:

- transferring the playback time limit to the playback device for secure

  processing (usage condition data is transferred S211 from memory card to

  playback device/headphone stereo [Fig 11]); and

- using the secure processor to transfer at least a portion of the electronic

  presentation to the playback device for rendering, at least a portion of the

  rendering to take place in the non-secure processing (encrypted content is

  sent S214 to playback device/headphone stereo securely with encryption

  [Fig 11] and rendered as a nonsecure analog signal for headphones 700

  [Fig 1])

Harada does not further disclose that the playback device is coupled to a

server processor via a network.

Peinado discloses in an analogous art a method of limiting access to content

wherein the playback device is coupled to a server processor via a network

(computer 14 [Fig 1] plays back content [0115] received via distribution channel

network from content server 22 [Fig 1])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harada's device with the teaching of Peinado's device for the purpose of improving the connectivity of a playback device and a server (by networking PC 300, memory card 400, and playback device 500 [Fig 1], thus creating a network connection between playback device 500 and server 200).

6.   Claim 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada (US 2007/0198859) in view of Peinado (US 2007/0226492), further in view of Hammons (US 2006/0080727).

Regarding claims 13 and 28, depending on claims 12 and 27 respectively, Harada in view of Peinado does further discloses:

- wherein a secure processor is used to perform the secure processing (decryption units 519 and 550 perform the secure processing [Harada Fig 5]), the method further comprising:

Harada in view of Peinado does not further specifically disclose:

- using the secure processor to receive a secure time signal via the network; and

- using the secure time signal with the playback time limit to restrict playback of the electronic presentation by the playback device

Hammons discloses in an analogous art a server that provides a secure time

signal via a network ([0015, 0022])

It would have been obvious to one of ordinary skill in the art to provide a

secure time service received via the network for the playback device of Harada in

view of Peinado for the purpose of providing a secure time (Hammons 0022])

because the playback device relies on an accurate time in order to restrict

playback of the electronic presentation to a specific time period ([Harada 0117]).

7.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada

(US 2007/0198859) in view of Swix (US 6609253), further in view of De Lang (US

6020912).

Regarding claim 17, depending on claim 16, Harada in view of Yamato does not

further disclose:

- determining whether a mode is being used by monitoring the rate at which

   a requesting process makes requests for decryption

De Lang discloses a method of limiting playback of an electronic presentation,

wherein a playback device is used to play back the electronic presentation, the

method comprising:

- determining whether a mode is being used by monitoring the rate at which

   a requesting process makes requests for decryption (the playback device

monitors the price rate of the decryption request to determine which

playback modes are allowed to be used [col. 1, l. 54-64])

It would have been have obvious to one of ordinary skill in the art to modify

the method of Harada in view of Swix with the teaching of De Lang's method for

the purpose of providing tiered service levels so that users can pay more to

activate VCR-like functions ([De Lang col. 1, l. 54-64]).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bennett Ingvoldstad whose telephone number is

(571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hai Tran can be reached on (571) 272-7305. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI

/Hai Tran/
Supervisory Patent Examiner, Art Unit 4178